UNITED
NATIONS

E

Economic and Social
Council

PROVISIONAL

E/1994/SR.43
25 janvier 1995

ORIGINAL: ENGLISH

Substantive session of 1994

PROVISIONAL SUMMARY RECORD OF THE 43rd MEETING

Held at Headquarters, New York,
on Monday, 25 July 1994, at 10 a.m.

President: Mr. DANGUE REWAKA (Gabon)
(Vice-President)

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In the absence of the President, Mr. Dangue Rewaka (Gabon), Vice-President, took the Chair.

The meeting was called to order at 10.25 a.m.

ECONOMIC AND ENVIRONMENTAL QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS

(b) COOPERATION IN FISHERIES IN AFRICA (continued) (E/1994/L.20)

Draft decision E/1994/L.20

Mr. BARAC (Romania), introducing draft decision E/1994/L.20, said that an agreed text had been drafted in informal consultations, in view of which he recommended adoption of the draft decision without a vote.

Draft decision E/1994/L.20 was adopted.

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS (continued)

(i) INTERNATIONAL DECADE FOR NATURAL DISASTER REDUCTION (continued) (E/1994/L.24/Rev.1)

Draft resolution E/1994/L.24/Rev.1

Mr. DJACTA (Observer for Algeria), introducing draft resolution E/1994/L.24/Rev.1, said that Thailand had joined the sponsors. The principal aim of the draft resolution was to focus on implementation of the Yokohama Strategy for a Safer World, adopted at the World Conference on natural Disaster Reduction in May 1994. It was crucial for the Economic and Social Council to endorse the outcome of the Conference and to recommend adoption by the General Assembly of a resolution that would support activities within the framework of the International Decade for Natural Disaster Reduction. He trusted that the draft resolution would be adopted by consensus.

Mrs. IRISH (Canada) said that her delegation wished to join the sponsors of the draft resolution.

Ms. INAGA (Japan), supported by Mr. DJACTA (Observer for Algeria), said that paragraph 23 of the draft resolution should be amended by the addition, at the end of the paragraph, of the words: "carried out by the Economic and Social Council at its substantive session en 1994".

Ms. SCHMITZ (Germany) said that Germany was a full member of the Council, not an observer as suggested in a footnote to the draft resolution.

(j) CULTURAL DEVELOPMENT (continued) (E/1994/L.25)

Draft resolution E/1994/L.25

Mr. MANIMEKALAI (India), introducing draft resolution E/1994/L.25 on behalf of Cuba, Thailand and Sri Lanka, in addition to his own delegation, said that there were various amendments to paragraph 3: the final phrase of the chapeau, "when undertaking ... to Decade", should be moved to the beginning of paragraph 3 (a); the words "large-scale" should be deleted from paragraph 3 (a); and the end of paragraph 4 should read: "a study of the cultural factors influencing development as a potential creator...".

(d) HUMAN RIGHTS QUESTIONS (continued) (E/1994/24; E/1994/L.15 and L.26)

Action on draft decisions contained in the report of the Commission on Human Rights (E/1994/24; E/1994/L.15)

Draft decision 24

Mr. SIDDIG (Observer for Sudan) said that human rights issues had become increasingly politicized in recent times, as exemplified by the draft decision before the Council. The sole aim of the draft decision was to undermine the Government of the Sudan, which had already voted against it at the fiftieth session of the Commission on Human Rights. His delegation was firmly opposed to politicizing human rights issues, which should be dealt with in a neutral and unbiased manner. The Special Rapporteur on the situation of human rights in the Sudan had failed to investigate the real situation in the country, and the draft decision before the Council was in fact based on unfounded accusations.

At the request of the representative of Cuba, a recorded vote was taken on draft decision 24.

In favour: Angola, Australia, Bahamas, Belarus, Belgium, Bhutan, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Denmark, France, Gabon, Germany, Ghana, Greece, Ireland, Italy, Japan, Kuwait, Madagascar, Mexico, Norway, Paraguay, Poland, Portugal, Romania, Russian Federation, Suriname, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zimbabwe

Against: Bangladesh, China, Cuba, India, Indonesia, Libyan Arab Jamahiriya, Pakistan

Abstaining: Egypt, Ethiopia, Nigeria, Philippines, Sri Lanka

Draft decision 24 was adopted by 36 votes to 7, with 5 abstentions.

Mr. MUCH (Germany), speaking on behalf of the European Union, said that the European Union had supported adoption of the draft decision as an expression of its concern at the human rights situation in the Sudan, and in support of the Special Rapporteur. The refusal of the Government of the Sudan to cooperate with the Special Rapporteur was unacceptable.

Mr. OTUVELU (Nigeria) said that his delegation had abstained, since it was important not to create obstacles to the improvements taking place in the Sudan.

Mr. MONGBE (Benin) said that his delegation, had it been present, would have voted in favour of draft decision.

Draft decision 25

Draft decision 25 was adopted.

Draft decision 26

Draft decision 26 was adopted.

Draft decision 27

Draft decision 27 was adopted.

Draft decision 28

Mr. MRA (Myanmar) said that a politically-motivated assessment of the human rights situation in a country would give only a distorted picture — objective realities must be taken into account. The Commission on Human Rights resolution on Myanmar was a politicized, unbalanced and intrusive text, which failed to recognize the positive developments in the country. His delegation could not accept such interference in the internal affairs of Myanmar.

The promotion of human rights could best be achieved through cooperation and understanding of the situation in a country, rather than through coercion. The positive accomplishments in Myanmar, through the country's own efforts, should be given full encouragement. The Government's endeavours to bring about national reconciliation would undoubtedly promote regional peace and security.

His Government had an unbroken record of cooperating as much as possible with the Commission on Human Rights, and that cooperation would continue to the extent permitted by national circumstances. With respect to the comments by several delegations on the case of Daw Aung San Suu Kyi, he noted that she had been placed under political convictions. The restraining order was the most lenient measure possible under existing legislation.

Draft decision 28 was adopted.

Draft decision 29

Draft decision 29 was adopted.

Draft decision 30

Draft decision 30 was adopted.

Draft decision 31

Draft decision 31 was adopted.

Draft decision 32

Draft decision 32 was adopted.

Draft decision 33

Draft decision 33 was adopted.

Draft decision 34

Draft decision 34 was adopted.

Draft decision 35

The PRESIDENT drew attention to the statement on the programme budget implications of the draft decision contained in document E/1994/L.15.

Mr. FERNANDEZ PALACIOS (Cuba) proposed that in the first sentence of draft decision 35 the word "reaffirming" be inserted before the words "Commission on Human Rights resolution 1993/98 of 12 March 1993", to specify that the Council was reaffirming that resolution.

The PRESIDENT drew attention to the fact that there had been some inconsistencies in the various language versions of draft decision 35 and suggested that the Council adopt the proposal of the representative of the

(The President)

United States of America to make any corrections needed to harmonize all versions of the text.

It was so decided.

Draft decision 35 was adopted.

Draft decision 36

Draft decision 36 was adopted by consensus.

Draft decision on the situation of human rights in Iraq (E/1994/L.26)

The PRESIDENT said that the draft decision on the situation of human rights in Iraq had been inadvertently omitted from the final version of the report of the Commission on Human Rights.

Mr. ALI (Iraq) said that his delegation was puzzled by the procedural implications of the draft decision and by its contents. From a procedural point of view, his delegation wondered how amendments could be made by the Council to a draft decision that had been adopted by the Commission on Human Rights. A footnote on page 1 of the draft decision contained in document E/1994/L.26 had indicated that a corrigendum would be issued subsequently. His delegation was of the view that the Commission on Human Rights should first issue a corrigendum on the bases of which the Council could then take action.

Secondly, his delegation categorically rejected the draft decision on the basis of its contents. It believed that the Commission on Human Rights had adopted resolution 1994/74, approving the Commission's decision to extend the mandate of the Special Rapporteur for one additional year, for political motives that were far removed from considerations of human rights. The Special Rapporteur, who had been appointed to make a thorough study of the violations of human rights in Iraq, had never been impartial and had demonstrated animosity towards Iraq by including unverified falsehoods in his report. Despite its procedural and substantive objections regarding the draft decision under consideration, his delegation reaffirmed its willingness to cooperate with the Commission the Commission on Human Rights, the Centre on Human Rights and other agencies known for their neutrality in issues of human rights.

Mr. FALL (Assistant Secretary-General for Human Rights) said that the Centre for Human Rights, in addition to other functions, acted as secretariat for the Commission on Human Rights and in that capacity had corrected the error regarding the omission of the draft decision under consideration from the report of the Commission on Human Rights.

At the request of the representative of Cuba, a recorded vote was taken.

In favour: Australia, Bahamas, Belarus, Belgium, Benin, Brazil, bulgaria, Canada, Chile, Colombia, Costa Rica, Denmark, Egypt, France, Gabon, Germany, Ghana, Greece, Ireland,

Italy, Japan, Kuwait, Mexico, Nigeria, Norway, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Suriname, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela

Against: None

Abstaining: Angola, Bangladesh, Bhutan, China, Cuba, India, Indonesia, Libyan Arab Jamahiriya, Madagascar, Pakistan, Philippines, Sri Lanka, United Republic of Tanzania, Zimbabwe

The draft decision was adopted by 37 votes to none, with 14 abstentions.

Mr. MUCH (Germany) speaking on behalf of the European Union, said that the European Union had voted in favour of the draft decision to express its extreme concern regarding the continuation of flagrant violations of human rights in Iraq, including summary and arbitrary executions, torture, disappearances and arbitrary arrests and detentions. The European Union again appealed to the Government of Iraq to cooperate fully with the Special Rapporteur by inviting him to visit Iraq, by replying without delay in a comprehensive manner to his questions and by allowing entry of human rights monitors into the country.

Draft decision 9

The PRESIDENT recalled that the Council had agreed to postpone consideration of the draft decision pending the outcome of informal consultations on the amendment proposed by the delegation of Cuba.

Mr. FERNANDEZ PALACIOS said that his delegation had proposed that the draft decision be amended in accordance with paragraph 4 of Commission on Human Rights resolution 1994/32 and that the words "on the basis of the mandate established by the Commission on Human Rights" be inserted after the words "by the States concerned".

Mr. KUEHL (United States of America) said that if the Council intended to amend the draft decision so that it corresponded more closely to resolution 1994/32, then his delegation proposed inserting the language of operative paragraph 2, which thanked the experts for the rigour with which they had performed their task.

Mr. MUCH (Germany), speaking on behalf of the European Union, said it was unnecessary to weigh down the draft decision with additional words from the resolution when they did not add anything of substance to the decision.

Mr. FENN (United Kingdom) endorsed the statement of the representative of Germany, and proposed amending the draft decision so that it reflected more fully the working contained in operative paragraph 11 of resolution 1994/32, which encouraged Governments to consider inviting the

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* The delegation of Bhutan subsequently informed the Council that it had intended to vote in favour of the draft decision.

(Mr. Fenn, United Kingdom)

Working Group to their countries so as to enable the Group to discharge its protection mandate even more effectively and to make concrete recommendations concerning the promotion of human rights.

Mr. DEKANY (Hungary) endorsed the statements of the representatives of Germany and the United Kingdom and sought clarification from the Assistant Secretary-General for Human Rights as to whether it was correct the draft decisions were prepared by the Secretariat so as to enable the Council to take informed decisions regarding the financial implications of resolutions adopted by the Commission on Human Rights.

Mr. FALL (Assistant Secretary-General for Human Rights) said that the Council had the full right to adopt or reject partially or fully any text submitted to it summing up the decisions or recommendations of the Commission on Human Rights. Thus, delegations were entitled to submit or reject amendments to those draft decisions recommendations.

The PRESIDENT, at the suggestion of the representative of Benin and other delegation, proposed that a working group composed of all interested delegations should prepare an amended text of draft decision 9 to be submitted to the Council for decision.

It was so decided.

(g) CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (E/1994/31 and Add.1, E/1994/13)

The PRESIDENT drew attention to the report of the Commission on Crime Prevention and Criminal Justice on its third session and to the report of the Secretary-General on progress made in the implementation of Economic and Social Council resolutions 1992/22 and 1993/31.

Mr. MUCH (Germany) said that he would circulate a statement on behalf of the European Union giving its views on the two reports for the information of Council members.

Mr. YE Dapo (China) said that his delegation had studied with interest the report of the Commission on Crime Prevention and Criminal Justice, and was pleased to see that, after three years of operation, the Commission had established basic working methods. In the light of its limited resources, however, the Commission should focus its work on priority areas, in accordance with its mandate under General Assembly resolution 46/152. Crime posed a threat to all countries, and the United Nations should pay more attention to that field, giving priority to the crime problems of developing countries. His delegation welcomed the forthcoming international conferences on various aspects of crime prevention and control, which would provide useful opportunities for increased coordination and cooperation. China attached

(Mr. Ye Dapo, China)

great importance to that problem and would increase its cooperation in the fight against organized crime.

Mr. TARABRIN (Russian Federation) said that his delegation supported the focus in the report of the Commission on the priority areas of combating transnational organized crime and money-laundering of proceeds from criminal activity. It also supported the decision to hold a world ministerial conference on organized transnational crime. It would be extremely useful if that conference could produce an analytical review of international legislation and a harmonization of approaches to the problem along with proposals for assistance to intergovernmental bodies in that area. The international community must also work to counteract such new and dangerous manifestations as the links between organized crime, terrorism and drug trafficking.

With regard to money-laundering, the Ninth Congress on Prevention of Crime and the Treatment of Offenders, to be held in early 1995, should result in effective recommendations within the mandate established in resolution 46/152. As for environmental crime, the Commission should be given a mandate to continue its studies in that area and to submit recommendations for model national legislation.

The work of the United Nations in developing a universal system of norms and standards in crime prevention and criminal justice had been outstanding. His delegation wished to stress the need to implement existing standards and to study problems for which new ones might be required. It was important to affirm that the newly-independent States were still bound by existing international legal obligations. Member States should intensify efforts to strengthen the financial resources of the United Nations Crime Prevention and Criminal Justice Programme.

Ms. MURUGESAN (India) said that her Government wished to reiterate the importance it attached to the work of the Commission on Crime Prevention and Criminal Justice, particularly in the establishment of universal standards. Its financial resources must be increased in order for it to perform its work effectively.

Mr. GULEV (Ukraine) said that his delegation attached importance to international cooperation in the training of law enforcement personnel, dissemination of information and expansion of international activities. Advisory services to countries in transition and developing countries were very important. It also endorsed the priorities expressed by the Commission in its report.

At the Ninth Congress on the Prevention of Crime and the Treatment of Offenders, specific themes should be set out to avoid duplication of

(Mr. Gulev, Ukraine)

effort. Despite its economic and social problems, Ukraine was attempting to combat crime and to establish a state of law, and it was in the process of drawing up a new procedural code. One of its main problems was illegal migration, an area where little legislation currently existed. In coordination with other States, it was attempting to devise measures to combat the problem.

Action on draft decisions contained in the report of the Commission on Crime Prevention and Criminal Justice (E/1994/31 and Add.1)

Draft resolution I

Draft resolution I was adopted.

Draft resolution II

Draft resolution II was adopted.

Draft resolution III

Draft resolution III was adopted.

Draft resolution IV

Draft resolution IV was adopted.

Draft resolution V

Draft resolution V was adopted.

Mr. TISSOT (United Kingdom) said that his delegation had joined in the adoption without a vote of draft resolution V; nevertheless, it had reservations concerning the language of paragraphs 2, 10 and 11. His delegation had fully associated itself with the oral statement delivered by the secretariat of the Commission on Crime Prevention and Criminal Justice at the Commission's third session on the programme budget implications of the draft resolution. In its capacity as an observer delegation, the United Kingdom had not commented on the resolution or on the oral statements of programme budget implications, as it had interpreted the reference in paragraph 2 to "redeploying overall existing resources" as meaning from within the Commission's existing appropriations. Therefore, it expected that the Crime Prevention and Criminal Justice Programme would redeploy funds from lower to higher priorities.

His delegation fully associated itself with a statement made by the Secretary-General that the issues covered in paragraphs 2, 10 and 11 were essentially matters for the appropriate budgetary bodies of the United Nations. The statement of programme budget implications made it clear that the draft resolution far exceeded the mandate of the Commission on Crime Prevention and Criminal Justice. His delegation repeated its view that administrative and budgetary matters were the responsibility of the Fifth Committee, recalling General Assembly resolution 248 B, section VI.

Mr. BIGGAR (Ireland) said that his delegation fully associated itself with the views expressed by the representative of the United Kingdom.

Draft resolution VI

Draft resolution VI was adopted.

Draft resolution VII

Draft resolution VII was adopted.

Draft resolution VIII

Draft resolution VIII was adopted.

The PRESIDENT said that, with respect to paragraph 1 of section I, the issue of the dates for the Ninth Congress on the Prevention of Crime and the Treatment of Offenders would be taken up when the Council considered its item on programme questions.

Draft resolution IX

Draft resolution IX was adopted.

Draft resolution X

Draft resolution X was adopted.

Draft resolution XI

Draft resolution XI was adopted.

Draft resolution XII

Draft resolution XII was adopted.

Draft decision I

Draft decision I was adopted.

Draft decision II

Draft decision II was adopted.

Draft decision III

Draft decision III was adopted.

The PRESIDENT said that he would take it that the Council wished to take note of the report of the Secretary-General contained in document E/1994/13.

It was so decided.

The meeting was suspended at 12.30 p.m. and resumed at 12.50 p.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1994/24; E/1994/L.15 and L.26)

Draft decision 9

Mr. FERNANDEZ PALACIOS (Cuba) said that, after consultation, it was proposed that, in the third of the English text of draft decision 9, the phrase "originally established by the Commission" should be inserted after "Working Group".

Draft decision 9, as amended, was adopted.

The meeting rose at 12.55 p.m.